

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-053712

08/25/2014

HONORABLE KRISTIN HOFFMAN

CLERK OF THE COURT
T. McMillian
Deputy

IN RE THE MATTER OF
MEGAN KATHARINE ELLISON

BONNIE L BOODEN

AND

MARCUS RAY ELLISON

KRISTI MICHELLE MORLEY

ERIC W FALBE
CONCILIATION SERVICES-NE
CAROL MELLEN
4300 N. MILLER ROAD
SUITE 137
SCOTTSDALE AZ 85251

MINUTE ENTRY

Courtroom 106 - Northeast Regional Court Center

8:35 a.m. This is the time set for Return Hearing re: Motion for Temporary Orders Regarding Legal Decision Making and Parenting Time; and Emergency Motion for Temporary Orders Without Notice filed by Respondent/Father on August 14, 2014. Petitioner/Mother is present with above-named counsel. Respondent/Father is present with above-named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Megan Ellison and Marcus Ellison are sworn.

Matters discussed.

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LET THE RECORD REFLECT that the parties have reached an agreement on certain issues in open Court which is stated on the record.

Both parties testify that the agreement is in fact their agreement, is fair and equitable, is in the best interest of the parties' minor children, and that they agree to be bound by it as an enforceable order of this Court.

THE COURT FINDS that the parties have reached an agreement pursuant to Rule 69, *Arizona Rules of Family Law Procedure*.

THE COURT FURTHER FINDS that the agreement is fair and equitable and is in the best interest of the parties' minor children and approves that agreement as an enforceable order of this Court. Accordingly,

IT IS ORDERED as follows:

- The parties agree that the minor children, Parker Ellison (DOB: 5/1/99); Chase Ellison (DOB: 10/27/02); and Emmaline Ellison (DOB: 3/27/05) shall continue to not have contact with Mother's current husband, David Schifrin.
- Carol Mellen shall be reappointed as Parenting Coordinator in this case. The appointment shall be fully set forth by separate Minute Entry.

CHILD INTERVIEW

IT IS ORDERED referring the matter to Conciliation Services for a Family Court Conciliator to interview the minor children.

This Court has contacted Conciliation Services and set the Child Interview for **September 3, 2014 at 1:30 p.m.** in Conciliation Services at:

Maricopa County Superior Court
Northeast Regional Court Center
18380 N. 40th Street
Phoenix, Arizona 85032
602-372-7700

IT IS FURTHER ORDERED that the Non-Confidential Child Interview shall be conducted on the following basis:

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Scope. The Court anticipates that the Conciliator may address statutory issues set forth in A.R.S. § 25-403(A)(1), (A)(2), (A)(3), (A)(4) and (A)(5) and all other matters deemed relevant by the Conciliator.

YOU WILL HAVE TO PAY A \$100 FEE IF YOU DO NOT BRING THE MINOR CHILD/CHILDREN TO THE CHILD INTERVIEW AS ORDERED. IF YOU NEED TO RESCHEDULE, THE PARTY RESPONSIBLE FOR BRINGING THE CHILD/CHILDREN TO THE INTERVIEW MUST NOTIFY CONCILIATION SERVICES AND RECEIVE PERMISSION TO RESCHEDULE AT LEAST THREE FULL COURT DAYS BEFORE THE SESSION.

TEMPORARY ORDERS HEARING SET

IT IS ORDERED setting a Temporary Orders Hearing re: Motion for Temporary Orders Regarding Legal Decision Making and Parenting Time; and Emergency Motion for Temporary Orders Without Notice filed by Respondent/Father on August 14, 2014, on **September 25, 2014 at 3:30 p.m. (1 hour allotted)** in this Division before:

Maricopa County Superior Court
Northeast Regional Court Center
18380 North 40th Street
Courtroom 106
Phoenix, Arizona 85032

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), *Arizona Rules of Family Law Procedure*, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, *Arizona Rules of Family Law Procedure*, no later than five (5) days prior to the hearing.

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IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances;
2. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines;
3. If there are disputed legal decision-making, access or parenting time issues, a specific proposal for legal decision-making and parenting time by each party.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), *Arizona Rules of Family Law Procedure*, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that any documents or other items intended to be submitted as exhibits at the time of the hearing shall be hand-delivered directly to the Clerk of this Division at least five (5) business days prior to the hearing. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits. Exhibits submitted less than five (5) business days prior to the hearing may not be marked. The exhibits shall be submitted with a coversheet listing the cause number, which party is submitting the exhibits, and a description of each exhibit. Exhibits shall be separated by a sheet of **colored** paper to easily identify where one exhibit ends and the next begins.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

You may request conclusions of fact and law on the following issues, if they are contested: the issues of legal decision-making, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the Court before the trial or the evidentiary hearing. If you

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make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, *Arizona Rules of Family Law Procedure*. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT**.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this Division five (5) business days before the scheduled hearing.

EVIDENTIARY HEARING SET

IT IS ORDERED setting Evidentiary Hearing to the Court on **December 2, 2014 at 9:00 a.m. (6 hours allowed)** in this Division at:

Maricopa County Superior Court
Northeast Regional Court Center
18380 N. 40th Street
Courtroom 106
Phoenix, Arizona 85032

Failure of a party to appear may result in the Court allowing the party who does appear to proceed in the other party's absence. Failure of both parties to appear may result in this action being dismissed.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to the hearing.

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2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.

3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances.
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that, if either party has exhibits to be marked, said exhibits shall be provided to the Clerk of this Division at least 5 business days prior to hearing. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

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IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

ISSUED: Child Interview Call Down Instructions

8:59 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.